

## **REMARKS**

The Examiner cites a new combination of references under 35 U.S.C. §103 in rejecting previous claims 36 and 37 over Marchosky in view of Hotchkiss (the newly cited reference). A new claim 38 is now presented which clearly distinguishes over this new art combination.

New claim 38 first recites the separate application storage 9 shown in Fig. 1 containing the data objects for the different medical patients (Substitute Specification paragraph 0032). As recited in claim 38, each of these data objects has an associated data object identifier to at least one of form structural connections of the data object to groups, teams, or references to people, form contextual associations of the data object with subject areas or studies, or form affiliation of the data object with clinical studies, diagnostic findings, or with diagnostic image types; (Substitute Specification paragraphs 0036, 0037, and 0038).

Claim 38 next recites a separate user group store that stores information for association of a plurality of medical field user ID's dependent on previously determined information for identification and authentication information of the medical field users desiring access to the data objects in the application data store 9 shown in Fig. 9 (Substitute Specification paragraph 0042).

Claim 38 next recites a separate data object category store shown at 14 in Fig. 1 for association of said data object identifiers with access right categories (Substitute Specification paragraph 0047).

Next, claim 38 recites a separate access right store shown at 13 in Fig. 1 which stores information for associating the user ID's with the access right categories to determine for the medical field user the type of access allowed for the

user for reading, changing, or deleting information in the data objects (Substitute Specification paragraph 0040 and 0041).

Finally, claim 38 recites the access control module shown at 7 in Fig. 1 for accessing the access right store 13, data object store 14, and user group store 17 shown in Fig. 1. The access control module 7 determines the medical user ID from the user group store 15, and using the user ID, determines an access right category via the access right store 13, and via access to the data object store 14, determines, using the respective data object identifier, which access right category is associated with the data object which the medical field user is attempting to access (Substitute Specification paragraph 0049).

Marchosky determines access rights by a particular user to the patient medical records stored in a data base dependent on the user ID associated with the more detailed user profile. See Marchosky paragraph 0021, 0060, and 0075. Depending on the user, different levels of access to the patient records are provided.

Claim 38 distinguishes over Marchosky in a number of ways.

First, claim 38 recites that the application data store having the data objects for the various patients also has a data object identifier for each associated data object. Claim 38 recites that this data object identifier at least one of forms structural connections of the data object to groups, teams, or references to people, forms contextual associations of the data object with subject areas or studies, or forms affiliation of the data object with clinical studies, diagnostic findings, or with diagnostic image types (specification paragraphs 0037 and 0038). Marchosky nowhere discloses such a data object identifier associated with data objects.

Next, claim 38 distinguishes by reciting a data object category store for association of the data object identifiers with access right categories. But as pointed

above, Marchosky does not even have any data object identifiers and therefore does not associate such data object identifiers with access right categories.

Finally, claim 38 distinguishes by reciting that the access control module is not only accessing the access right store, the user group store, and the data object category store, but also, using the medical field user ID, determines an access right category via the access right store, and via access to the data object categories store, the access control module determines, using the data object identifiers, which access right category is associated with the data object which the medical field user is attempting to access. Since Marchosky does not have any such data object identifier, Marchosky also does not have the above access control module using the data object identifiers in the recited manner.

The Examiner cites the secondary reference Hotchkiss which has many of the same teachings as the previous Marchosky reference. Hotchkiss teaches allowing access rights to patient data depending on the defined roll of the user (see paragraph 0219). However, Hotchkiss does not have any of the above identified deficiencies in the primary Marchosky reference since it also does not have the data object identifiers.

Allowance of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Respectfully submitted,

 (Reg.No.27,841)

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